

**BIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

LuAnne Janssen, as Personal Representative of the
Estate of Warren S. Lindvold,

Plaintiff,

vs.

City of Valley City,
Christopher Olson,
Wade Hannig,
Barnes County,
Barnes County Sheriff Randy McClafin,
Jenna Jochim,
Richard Chase,
Bruce Potts,
Jesse Burchill,
Barnes County Ambulance, Inc.,
National Medical Resources, Inc,
Mercy Hospital of Valley City d/b/a
CHI Mercy Health Hospital,

Defendants.

Case No. 3:19-cv-79

**PLAINTIFF'S
RULE 26 DISCLOSURES**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedures, Plaintiff submits the following disclosures, currently known and subject to and without waiving any objection they may have to the subsequent production of, use of, or further inquiry into the disclosed information or the subject matter thereof. Further, by making these disclosures, Plaintiff does not represent that it is identifying every document, tangible thing, or witness possible relevant to this lawsuit. Rather, these disclosures represent a good faith effort to identify information they reasonably believe is relevant to its defense of the factual disputes alleged with particularity in the pleadings, as required by Rule 26(a)(1).

DISCLOSURES

26(a)(1)(A)(i): Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

No.	Name	Address	Telephone	Subjects of Information
1	Kaitlyn Anderson	Barnes County Ambulance, Inc.		Barnes County Ambulance EMT
2	Chuck Anderson	458 Tessa Drive Moorhead, MN	218-233-7004	Plaintiff's Private Investigator
3	Julia Anderson	BCCF Valley City, ND		BCCF Nurse
4	Lance Anderson	NDDOCR Bismarck, ND		NDDOCR Correctional Director of Facility Inspections; conducted 11-6-18 inspection
5	Kari Anderson		701-840-1101	Fact witness
6	Nicole Anderson			BCCF Chief Correctional Officer; Assisted with inspections on 12-16-07; 12-7-10; and 10-26-11
7	Maren Arbach	NDDOCR Bismarck, ND	701-328-6653 701-214-8660	NDDOCR Director of Training; conducted inspection on 12-21-14
8	Jodi Archer	CHI Mercy Health, Valley City, ND		CHI Mercy Health Medical Provider
9	Shawn Banet	ND BCI Jamestown, ND		BCI Special Agent
10	Jerry Bennefield		701-840-3066	Fact witness
11	Judith Bennefield			Fact witness
12	Leann Bertsch			NDDOCR Director
13	Drew Bix			BCCF Correctional Officer
14	Amanda Bledsoe			Fact witness
15	Reid Brady	Fargo, ND		Cass County State's Attorney
16	Timothy Brehm	NDDOCR Bismarck, ND		Director of Professional Standards - NDDOCR Inspector; conducted 12-6-17 inspection

17	Dr. James Buhr			Medical Provider
18	Jesse Burchill	BCCF Valley City, ND		Defendant
19	Marie Casper		701-478-6310	Fact witness
20	Richard Chase			Defendant
21	Kevin Clausen			Fact witness
22	Kayla Coleman		701-890-6163	Fact witness
23	Harold Dyck	Barnes County Ambulance, Inc.		Barnes County Ambulance EMT
24	Victoria Dyck	Barnes County Ambulance, Inc.		Barnes County Ambulance EMT Paramedic
25	Sue Dyck	Barnes County Ambulance, Inc.		Barnes County Ambulance - AEMT
26	Charles Eder	AG's Office Crime Lab Division 2641 E. Main Ave. Bismarck, ND	701-328-6159	State Toxicologist for the State of North Dakota
27	Steven Engen		701-328-6652 701-391-4967	NDDOCR Facility Inspector; conducted inspections on 6-30-05; 9- 27-06; 12-16-07; 11-20- 09; 12-7-10; 10-26-11; 12-10-13; and 11-21-14
28	Mark Ertelt		701-490-2415	Fact witness
29	Kayla Fallen		701-799-4138	Fact witness
30	Julie Forsman			Barnes County Correctional Facility - Jail Administrator; BCCF Deputy; assisted with inspections on 11-21-14; 9-14-15; 12-20-16
31	Miranda Graefing			BCCF Correctional Officer
32	Alain Green	CHI Mercy Health, Valley City, ND		CHI Mercy Health Nurse Practitioner
33	Danielle Green-Jorissen			Fact witness
34	Roberta Grieger-Nimmo	AG's Office Crime Lab Division 2641 E. Main Ave. Bismarck, ND	701-328-6159	Forensic Scientist for the State of North Dakota
35	Jennifer Gronos	NDDOCR Bismarck, ND		Administrative Medical Officer I - NDDOCR Inspector; conducted 12-6- 17 inspection

36	Wade Hannig	VCPD Valley City, ND		Defendant
37	Phil Hatcher	VCPD Valley City, ND		Valley City Chief of Police
38	Amanda Hoaby		701-840-4289	Fact witness
39	Dr. David Hochhalter	Sanford South University Urgent Care, Fargo ND	641-420-9331	Barnes County Medical Examiner
40	Clint Hovde		701-845-1272 701-490-1202	Fact witness
41	Teagan Hunt			Dispatcher
42	Dr. Adam Jackson	Sanford Brain & Spine Center, Fargo ND		Sanford Medical Provider
43	LuAnne Janssen	4750 Lee Circle Boulder, CO	303-443-0299	Plaintiff
44	Don Janssen	4750 Lee Circle Boulder, CO	720-490-2027	Fact and Damage Witness
45	Clark Janssen	1125 1st St. Fargo, ND	970-213-9713	Fact Witness
46	Brian Janssen	15071 Josephine Thornton, CO	303-446-7010	Fact witness
47	Jenna Jochim	BCCF Valley City, ND		Defendant
48	Traci Kachel			BCCF Correctional Officer; Assisted with inspection on 12-10-13
49	Troy Kelly			BCI Special Agent
50	Leonard Kjelland		701-840-0739	Fact witness
51	Tom Kjelland		701-840-8947	Fact witness
52	Tom Kjellman			Fact witness
53	Mark Klabo	CHI Mercy Health Valley City, ND		CHI Mercy Health Medical Provider
54	Joshua Knox	807 North 17th St. Milwaukee, WI		Expert witness
55	Carrie Kolpin			BCCF Correctional Officer
56	Dr. Mark Koponen	UND School of Medicine & Health Sciences Grand Forks, ND		UND Pathologist; Performed Autopsy
57	Jason Lang			BCCF Chief Correctional Officer; Present during inspection on 9-27-06

58	Jeremy Lemaster	824 E. 19th St. Casper, WY	307-277-1913	Expert witness
59	Sheri Lutgen	CHI Mercy Health Valley City, ND		CHI Mercy Health Medical Provider
60	Jordan Magnusson			BCCF Correctional Officer
61	Carl Martineck			Former Barnes County State's Attorney
62	Dr. Thomas Matheson	CHI Mercy Health Valley City, ND		CHI Mercy Health Medical Provider
63	Randy McClafin	Barnes County Sheriff's Office Valley City, ND		Defendant
64	Carlen McGregor	2788 Decatur Dr. Broomfield, CO	720-240-1438	Fact witness
65	Scott Miller	Barnes County Ambulance, Inc.		Barnes County Ambulance EMT - Paramedic
66	Matthew Miller	Barnes County Ambulance, Inc.		Barnes County Ambulance EMT
67	Casey Miller	ND BCI		
68	Josh Nathan		701-840-9078	Fact witness
69	Jeffrey Nathan	251 Central Ave. S. Valley City, ND	701-845-2414	Funeral Home Director; Damage Witness
70	Emma Nelson			Dispatcher
71	Sharon Nelson			
72	Christopher Olson	VCPD Valley City, ND		Defendant
73	Dr. Gopikrishna Paladugu	Sanford Med Ctr. Fargo, ND		Sanford Medical Provider
74	Dr. Stephen Peters	CHI Mercy Health Valley City, ND		CHI Mercy Health Medical Provider
75	Bruce Potts			Defendant
76	Don Redmann	NDDOCR Bismarck, ND		Director of Facility Operations - NDDOCR Inspector; conducted 12-6- 17 inspection
77	Sarah Rippley	Barnes County Ambulance, Inc.		Barnes County Ambulance EMT - Paramedic
78	Arnie Rummel	ND BCI		
79	Dr. Sheryl Sahr	Sanford Medical Center, Fargo, ND		Sanford Medical Provider
80	Scott Sandvick		701-490-1879	Fact witness
81	James Saylor	Office of Facility Inspectors, DOCR Central Office	701-328-6789	Warden of Transitional Facilities

		3100 Railroad Ave. Bismarck, ND		
82	Lilie Schoenack			Former Prosecutor for the City of Valley City
83	Dr. Robert Sherwin	6701 W. Outer Dr. L449 Detroit, MI		Expert witness
84	John Stevens	4310 Cty. Road 21 Valley City, ND	701-840-5755	Fact witness
85	Andrea Suhr			City Employee
86	Sean Taylor			BCCF Correctional Officer
87	Lindsey Thornton			Fact witness
88	Todd Velure		701-490-0516	Fact witness
89	(Todd's wife FNU) Velure			Fact witness
90	Robert Werlinger	NDDOCR Bismarck, ND		NDDOCR Correctional Facility Inspector; conducted 11-6-18 inspection
91	Desiree Williams			BCCF Correctional Officer
92	Patricia Wilson			Fact witness
93	Jeremy Wolff	BCCF Valley City, ND		BCCF Jail Administrator
94	Casey (LNU)			Sanford Health Medical Provider
95	Willard (LNU)			Fact Witness
96	Andrea (LNU)			City Employee

Although not specifically named above, additional information may come from: Medicare representatives – Medicare paid a portion of Warren Lindvold’s medical expenses and it is anticipated that Medicare will have a subrogation claim; other potential witnesses identified in Warren Lindvold’s medical records; and Barnes County employees, officials, and Barnes County Commissioners that may knowledge of the jail conditions and inspections.

26(a)(1)(A)(ii): Provide a copy – or a description by category and location – of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

Plaintiff's counsel has received documents from secondary sources. Plaintiff's counsel is aware that some of the disclosed documents may be duplicates, however Plaintiff's counsel has not undertaken a page by page comparison and is therefore producing documents obtained from the secondary sources as received without representing that the documents are complete or in the order originally maintained by the primary source of the documents.

Number	Title / Description of Document
1	Alco-Sensor FST Operator Manual (11-30-17)
2	Alco-Sensor FST - Recertification Training Manual
3	Approved Method for Operating the Alco-Sensor FST
4	Preliminary Autopsy Report
5	Final Autopsy Report
6	Barnes County Ambulance Records
7	2017 NDDOCR Inspection Report - BCCF (inspection date 12-6-17)
8	2018 NDDOCR Inspection Report - BCCF (inspection date 11-6-18)
9	NDDOCR Order of Reclassification (12-12-18)
10	CHI Mercy Health Billing Records (service date 7-15-18)
11	CHI Mercy Health Billing Records (service date 4-17-18)
12	CHI Mercy Health Billing Records (services date 7-15-14)
13	Sanford Billing Records
14	VCPD and City of Valley City policies, manuals, etc.
15	VCPD Employment File (Olson)
16	VCPD Employment File (Hannig)
17	VCPD Compliance Techniques Report (Hannig)
18	VCPD Compliance Techniques (Olson)
19	Open Records Request to VCPD - by Chuck Anderson Investigations
20	VCPD Calls for Service and Citations (speeding 1-18-18)
21	VCPD Calls for Service and Citations (speeding 8-12-09)
22	VCPD Calls for Service and Case Report (7-15-18)
23	Report and Notice (7-15-18)
24	Complaint and Summons (7-15-18)
25	Training Records (Olson and Hannig)
26	Handwritten notes re: UND Forensic Office and video
27	VCPD Calls for Service and Case Report (DUI, Care Required 1-24-18)
28	Kendall Bjerke witness statement (1-24-18)
29	Michael Bjerke witness statement (1-24-18)

30	Report and Notice (1-24-18)
31	VCPD Vehicle Impoundment and Inventory Records (1-24-18)
32	Intoxilyzer Test Record and Checklist (1-24-18)
33	ND Motor Vehicle Crash Report (1-24-18)
34	Criminal Judgment (2-13-18)
35	Amended Complaint (2-13-18)
36	Criminal Judgment (2-13-18)
37	Letter from Attorney Trader to Court, Notice of Appearance, Affidavit of Service (2-2-18)
38	Guilty Plea - not guilty (1-30-18)
39	Notification of Rights and Acknowledgment (1-30-18)
40	Summons - DUI and Care Required (1-24-18)
41	State's Attorney's Office Report Decline (Olson, et al.)
42	State's Attorney's Office Amended Report Decline (Olson, et al.)
43	Letters Testamentary
44	DOCR Inspection Report - 2005
45	DOCR Memo re: BCCF Certification and/or needed changes - following 2005 annual inspection
46	DOCR Inspection Report and Memo re: BCCF Compliance - 2006
47	DOCR Memo re: BCCF Certification and/or needed changes - following 2006 annual inspection
48	Certificate of Compliance - 2006
49	DOCR Memo re: BCCF compliance with 12-44.1 following 2007 annual inspection
50	Certificate of Compliance - 2008
51	DOCR Inspection Report - 2009
52	DOCR Memo re: BCCF compliance with 12-44.1 following 2009 annual inspection
53	Certificate of Compliance 2009
54	DOCR Inspection Report - 2010
55	DOCR Memo re: BCCF compliance with 12-44.1 following 2010 annual inspection
56	Certificate of Compliance - 2010
57	DOCR Memo re: BCCF compliance with 12-44.1 following 2011 annual inspection
58	Certificate of Compliance 2011
59	Certificate of Compliance 2012
60	DOCR Memo re: BCCF compliance with 12-44.1 following 2013 annual inspection
61	Certificate of Compliance 2013
62	DOCR Inspection Report - 2014
63	DOCR Memo re: BCCF certification following 2014 annual inspection
64	Certificate of Compliance - 2013
65	DOCR Inspection Report - 2015

66	Certificate of Compliance - 2014
67	DOCR Inspection Report 2016
68	DOCR Memo re: BCCF Inspection - 2016
69	Certificate of Compliance - 2015
70	DOCR Inspection Report - 2017
71	DOCR Order of Reclassification, Partial and Temporary Closure, and Suspending Order of Temporary Closure (12-18-17)
72	DOCR Inspection Report Summary 2018
73	DOCR Order of Reclassification (12-12-18)
74	Barnes County Sheriff's Office Policy Manual - 2015
75	BCCF Policies and Procedures Ch. 4.01 - Health Screens
76	BCCF Policies and Procedures Ch. 4.02 - Pre Admission
77	BCCF Policies and Procedures Ch. 4.03 - Admission
78	BCCF Policies and Procedures Ch. 5.02 - Inmate Observation
79	BCCF Policies and Procedures Ch. 5.03 - Inmate Counts
80	BCCF Policies and Procedures Ch. 5.08 - Use of Force
81	BCCF Policies and Procedures Ch. 6.01 - Inmates with Disabilities
82	BCCF Policies and Procedures Ch. 6.03 - Health Authority
83	BCCF Policies and Procedures Ch. 6.04 - Access to Care
84	BCCF Policies and Procedures Ch. 6.07 - Health Appraisal
85	BCCF Policies and Procedures Ch. 6.08 - Health Care Orders
86	Significant Incident Reporting
87	VCPD - Citizen Complaints
88	Email from Miranda Graefing (8-15-18)
89	BCI Offense Report 8-31-18 (redacted)
90	Exhibit B (to report 1) - Email to Valley City Attorney Schoenack
91	Exhibit D (to report 1) - Christopher Olson's Statement
92	Exhibit G (to report 1) - Screenshots off Facebook
93	BCI Supplemental Report 9-4-18 (redacted)
94	BCI Supplemental Report 9-6-18 (redacted)
95	BCI Supplemental Report 10-16-18 (redacted)
96	BCI Offense Report 11-8-19 (redacted)
97	Booking Report 7-15-18 (redacted)
98	Booking Report 7-15-18
99	Call for Service - Incident 201800000652
100	Call for Service - Incident 201800000654
101	Call for Service - Incident 201800005267
102	Call for Service - Incident 201800005276

103	Inmate Activity Log for Warren Lindvold
104	Jail Computer Log (July 14-16, 2018)
105	July Work Schedule for BCCF
106	Deggy Report
107	Supplementary Report by Jenna Jochim
108	Arresting Officer's Report by Christopher Olson
109	Handwritten notes by Jesse Burchill
110	BCCF Release Report
111	Report by Richard Chase
112	Report by Bruce Potts
113	Report by Jenna Jochim
114	Supplemental Report by Christopher Olson
115	Memo - Death of Warren Lindvold administrative review by NDDOCR
116	Materials Received from NDDOCR
117	Call for Service - Incident 201800000652
118	Call for Service - Incident 201800005276
119	Call for Service - Incident 201800005267
120	Call for Service - Incident 201800000654
121	Dispatch Recording 01-07-15-2018_12.45.36.2a_-2009_-B_VCPD_(Voice)
122	Dispatch Recording 02-07-15-2018_12.50.03.5a_-2009_-B_VCPD_(Voice)
123	Dispatch Recording - 03-07-15-2018_01.01.26.9a_-2009_-B_VCPD_(Voice)
124	Dispatch Recording 04-07-15-2018_01.07.25.1a_-2009_-B_VCPD_(Voice)
125	Dispatch Recording 05-07-15-2018_01.09.55.4a_-2009_-B_VCPD_(Voice)
126	Dispatch Recording 06-07-15-2018_01.21.38.4a_-2009_-B_VCPD_(Voice)
127	Dispatch Recording 07-07-15-2018_01.23.07.4a_-2009_-B_VCPD_(Voice)
128	Dispatch Recording 08-07-15-2018_01.41.11.0a_-2009_-B_VCPD_(Voice)
129	Dispatch Recording 09-07-15-2018_01.44.09.8a_-2009_-B_VCPD_(Voice)
130	Dispatch Recording 10-07-15-2018_01.46.28.8a_-2009_-B_VCPD_(Voice)
131	Dispatch Recording 11-07-15-2018_02.03.29.4a_-2009_-B_VCPD_(Voice)
132	Dispatch Recording 12-07-15-2018_02.06.27.8a_-2009_-B_VCPD_(Voice)
133	Dispatch Recording 13-07-15-2018_02.15.06.3a_-2003_-B_8600_(Voice)
134	Dispatch Recording 14-07-15-2018_02.15.18.1a_-2001_-B_position1_(Voice)
135	Dispatch Recording 15-07-15-2018_02.16.47.2a_-2009_-B_VCPD_(Voice)
136	Dispatch Recording 16-07-15-2018_02.59.54.7a_-2009_-B_VCPD_(Voice)
137	Dispatch Recording 17-07-15-2018_03.02.15.5a_-2009_-B_VCPD_(Voice)
138	Dispatch Recording -07-15-2018_08.06.19.6a_-2003_-B_8600_(Voice)
139	Dispatch Recording 19-07-15-2018_08.08.33.5a_-2009_-B_VCPD_(Voice)
140	Barnes County Sheriff's Policy Manual - Chapter 3-Page 35-45

141	Christopher Olson BCI Interview on 09-05-18
142	Jenna Jochim BCI Interview on 8-23-18
143	Jesse Burchill BCI Interview on 09-05-2018
144	Kayla Coleman BCI Interview on 09-04-18
145	Dr. Sheryl Sahr BCI Interview on 09-24-18
146	Wade Hannig BCI Interview on 08-22-18
147	Timeline on Warren Lindvold (Email from Barnes County Sheriff's Office 8-13-18)
148	Letter from Barnes County State's Attorney - response to records request (8-10-18)
149	Letter from Attorney Gaustad - response to open records request (10-5-18)
150	Letter from Attorney Gaustad - response to open records request (10-23-18)
151	Letter from Attorney Gaustad - response to open records request (11-2-18)
152	Letter from Attorney Gaustad - response to open records request (12-18-18)
153	Email from Desiree Williams (7-20-18)
154	Oliver-Nathan Chapel Funeral Purchase Contract

The above materials have been copied on to a flash drive for each firm representing the Defendants in this matter. In addition to the above materials Plaintiff has obtained medical records from Sanford and CHI Mercy Health. However, these materials have not been included in the Plaintiff's disclosures as all parties have agreed that Pearson Christensen, PLLP will obtain Warren Lindvold's medical records and provide each party with a set of said records. Specifically, the Authorization for Use and Disclosure of Information signed by Plaintiff includes the following materials: Barnes County Ambulance Records; CHI Mercy Health Medical Records; Sanford Health Medical Records; and CHI Mercy Health Security Camera Footage.

Plaintiff's counsel has received videos related to this matter. With the exception of the "CHI Mercy Health Security Footage" listed above, Plaintiff's counsel has the following videos:

1. Video received from Attorney Gaustad – "Warren Lindvold PD to Barnes Co. Jail"
2. Video received from Attorney Gaustad – "Warren Linvold Mercy to Barnes Co. Jail Part 1"
3. Video received from Attorney Gaustad – "Warren Lindvold Mercy to Barnes Co. Jail Part 2"
4. Video footage from cameras at the BCCF – "Jail Events Video"
5. Video of traffic stop – "Squad Video"
6. Video of garage at the Valley City Police Department – "Garage Video"

Plaintiff's counsel has received various materials from Plaintiff's private investigator. With the exception of number 19 above, these materials are considered attorney work product and will not be disclosed at this time.

26(a)(1)(A)(iii): Provide a computation of each category of damages claimed by the disclosing party – who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, or which computation is based, including materials bearing on the nature and extent of injuries suffered.

Plaintiff has not completed an absolute computation of damages; however the following documents listed above relate to damages: CHI Mercy Health Billing Records; Sanford Billing Records; and Oliver-Nathan Chapel Funeral Purchase Contract.

Plaintiff has not completed a computation of general damages in this matter because general damages are not capable of mathematical computation.

Plaintiff makes these disclosures based on information reasonably available at this time, and will supplement these disclosures when appropriate.

Dated: September 16, 2019

Dated: September 16, 2019

/S/ Alan Baker
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